



2674

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

16/leg for  
Reconsid  
2-24-03  
NP

In re the Application of

Norihiko KANAE et al.

Group Art Unit: 2674

Application No.: 09/828,390

Examiner: Henry N. Tran

Filed: April 2, 2001

Docket No.: 109106

For: ELECTROPHORETIC DISPLAY DEVICE

REQUEST FOR RECONSIDERATION

**RECEIVED**

FEB 21 2003

**Technology Center 2600**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In reply to the November 18, 2002 Office Action, reconsideration is respectfully requested in light of the following remarks.

Claims 1-8 are pending. Reconsideration in view of the following remarks is respectfully requested.

Applicants appreciate the Examiner indicated claim 8 is allowed and claim 6 contains allowable subject matter.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-5 and 7 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,252,564 to Albert et al. (hereinafter "Albert") in view of U.S. Patent No. 6,400,492 to Morita et al. (hereinafter "Morita"). This rejection is respectfully traversed.

The applied art does not disclose a resin layer including at least urethane resin and the microcapsule layer being positioned between a conductive film and the resin layer, as claimed in claim 1 and similarly claimed in claims 3 and 7.

The Office Action admits on page 3, lines 4-5, that Albert does not expressly teach the resin layer including at least urethane resin. However, the Office Action asserts that Morita makes up for this deficiency. Applicants respectfully disagree with this assertion.

Specifically, Morita discloses an electro-phoretic display with matrix materials in which particles and liquid are capsulated. In column 15, lines 51-52 and 61, Morita merely discloses polyurethane as an example of the matrix material. Additionally, in column 19, lines 1-4, Morita discloses that the matrix material and/or layer 8 preferably include a resin crosslinked by heat and/or an activating ray such as electron beam, X-ray, gamma-ray, ultraviolet light, and the like. As such, Morita only discloses a resin and "for the overcoat layer 8" and never teaches, discloses or suggest a specific material. That is, Morita only discloses that the microcapsule is made of polyurethane.

Forming the resin layer from urethane as claimed in claim 1 and similarly claimed in claims 3 and 7, provide unexpected advantages. Specifically, as disclosed at page 4, lines 18-22 of the specification, by employing a urethane-based resin as the transparent resin, the display quality, in particular the display retention under high temperature, is remarkably improved. Thus, if it had been obvious to modify the disclosure of Albert to form the layer out of urethane, then one would have done so to achieve the advantages discussed above. However, no such disclosure has been found.

With respect to claim 7, the applied art does not disclose the microcapsule is in contact with both the conductive film and the resin layer. Morita's polyurethane cannot come into contact with the microcapsules (matrix material) because its urethane is matrix materials themselves.

## **II. Conclusion**

In view of the foregoing remarks, Applicants respectfully submit that claims 1-8 define patentable subject matter and that the application is in condition for allowance.

Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested and favorable reconsideration is respectfully solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Kevin M. McKinley  
Registration No. 43,794

JAO:KMM/jfl

Date: February 19, 2003

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--